

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

544I0532

HOUSE BILL NO. 1231

Introduced by: Representative Putnam and Senator Apa

1 FOR AN ACT ENTITLED, An Act to stabilize the annual balance of the South Dakota Public
2 Utilities Commission gross receipts tax fund.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 49-1A-3 be amended to read as follows:

5 49-1A-3. There is hereby levied on each public utility as defined in subdivision 49-34A-1(12),
6 which is subject to the rate regulation of the commission, and all telecommunications companies
7 as defined in subdivision 49-31-1(26), a tax of not more than .0015 or two hundred fifty dollars,
8 whichever is greater upon the annual intrastate gross receipts derived by the public utility or
9 telecommunications company from its customers within the State of South Dakota during the
10 preceding calendar year. The two hundred fifty dollar minimum gross receipt tax does not apply
11 to telecommunications companies providing local exchange service as defined in subdivision
12 ~~49-31-1(12)~~ 49-31-1(13) or to radio common carriers.

13 Section 2. That § 49-1A-3.1 be repealed.

14 ~~49-1A-3.1. Any funds collected from the tax levied by § 49-1A-3 may not be expended for~~
15 ~~operation of the public utilities commission's transportation division.~~

16 Section 3. That § 49-1A-4 be amended to read as follows:



1 49-1A-4. On ~~June~~ March first of each year, each company shall file with the Public Utilities
2 Commission, on forms prescribed by the commission, the amount of its gross receipts derived
3 from the company's customers within the State of South Dakota during the preceding calendar
4 year. Such report shall be sworn to and verified by an officer of the company. On April first of
5 each year the commission shall, by order, establish the rate and assess the tax authorized in § 49-
6 1A-3 which, together with any funds remaining from the current fiscal year and the two hundred
7 fifty dollar minimum gross receipt tax, will fund the commission's budget for the next fiscal year
8 and provide a contingency reserve in an amount not to exceed the prior year's budget.

9 Section 4. That § 49-1A-5 be amended to read as follows:

10 49-1A-5. The tax levied by this chapter is due and payable to the state treasurer on ~~June first~~
11 July fifteenth of each year ~~at the same time as the filing of the report of such gross receipts.~~

12 Section 5. That § 49-1A-7 be amended to read as follows:

13 49-1A-7. All amounts deposited in the South Dakota Public Utilities Commission gross
14 receipts tax fund are appropriated to the use of the Public Utilities Commission for its expenses
15 in regulating public utilities as defined in chapter 49-34A and telecommunications companies as
16 defined in subdivision 49-31-1(26). Such expenses may be paid out of the fund on warrants
17 drawn by the state auditor upon duly itemized vouchers. The funds necessary for such expenses
18 are hereby authorized to be expended. The funds may not be expended for any other operations
19 of state government.